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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA
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7 LN MANAGEMENT LLC SERIES 5664 DIVOT,)
8 Plaintiff,)
9 vs.)
10 KIT DANSKER; JP MORGAN CHASE BANK,)
11 N.A.,)
12 Defendant,)
13 and)
14 FEDERAL NATIONAL MORTGAGE)
ASSOCIATION and FEDERAL HOUSING)
FINANCE AGENCY, as Conservator for the)
15 Federal National Mortgage Association,)
Intervenors.)
16

Case No. 2:13-cv-01420-RCJ-GWF

ORDER

17 This matter is before the Court on the parties' Joint Motion to Stay Discovery (ECF No.
18 90), filed on October 20, 2017.

19 The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of
20 discovery when a potentially dispositive motion is pending. See *Skellerup Indus. Ltd. V. City of*
21 *L.A.*, 163 F.R.D. 598, 600-1 (C.D. Cal. 1995). Ordinarily, a dispositive motion does not warrant a
22 stay of discovery. See *Twin City Fire Insurance v. Employers of Wausau*, 124 F.R.D. 652, 653 (D.
23 Nev. 1989). See also *Turner Broadcasting System, Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556
24 (D. Nev. 1997). The moving party carries the heavy burden of making a strong showing of why
25 discovery should be denied. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev.
26 2013).

27 Courts have broad discretionary power to control discovery. See *Little v. City of Seattle*,
28 863 F.2d 681, 685 (9th Cir.1988). When deciding whether to grant a stay of discovery, the Court is

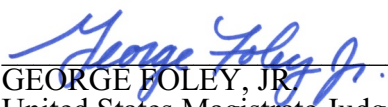
1 guided by the objectives of Fed. R. Civ. Pro. 1 that ensures a “just, speedy, and inexpensive
2 determination of every action.” *Kor Media Group*, 294 F.R.D. at 581. The Court may grant a
3 motion to stay discovery when “(1) the pending motion is potentially dispositive; (2) the potentially
4 dispositive motion can be decided without additional discovery; and (3) the Court has taken a
5 “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the
6 plaintiff will be unable to state a claim for relief.” *Kor Media Group*, 294 F.R.D. at 581.

7 The parties request a stay of discovery pending resolution of Defendants’ motion for
8 summary judgment. Additionally, the parties represent that Intervenor and Counter-Claimant
9 Housing Finance Agency does not oppose this request. After conducting its “preliminary peek” of
10 Defendants’ motion for summary judgment, the Court finds that a stay of discovery is warranted.
11 Accordingly,

12 **IT IS HEREBY ORDERED** that the parties’ Joint Motion to Stay Discovery (ECF No.
13 90) is **granted**.

14 **IT IS FURTHER ORDERED** that the stay of discovery will automatically lift upon the
15 Court’s denial of Defendants’ Motion for Summary Judgment (ECF No. 89) in whole or in part.
16 The parties shall have fourteen (14) days from the entry of an order denying Defendants’ Motion
17 for Summary Judgment to file a proposed discovery plan and scheduling order.

18 DATED this 24th day of October, 2017.

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21 GEORGE FOLEY, JR.
22 United States Magistrate Judge
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